

REMARKS/ARGUMENTS

The Office Action mailed April 12, 2009 has been carefully reviewed and these remarks are responsive to that Office Action. Upon entry of this response, claims 1, 3, 5-16, 39-47 and 51-54 remain pending in this Application. Claims 1, 42-46, and 51 have been amended. No new matter has been added to the amended claims. Support for the amendments to the claims may be found in paragraph 31 of the published application, among other places. The Examiner is invited to contact the undersigned should it be deemed helpful to facilitate prosecution of the application.

Examiner Interview

Applicants thank the Examiner for the interview on April 18, 2010. During the interview, the Applicants discussed both the 101 and art-based (102, 103) rejections. For the art-based rejections, the Examiner suggested that modifying the claim language to specify how the textual and graphical indicia in the additional windows are related to the main episode would overcome the art of record. In particular, the Examiner suggested that recitation of the fact that the textual and graphical indicia in the additional windows include favorite or most viewed episodic series would overcome the art of record. Therefore, in this Response, Applicants have amended the independent claims to include this feature. With regard to the 101 rejection, the Examiner confirmed that only computer-readable medium claims 42-45 are rejected under 35 U.S.C. § 101. Applicants would like to note that the Interview Summary dated May 25, 2010, failed to state this point regarding the 101 rejections.

Rejection under 35 U.S.C. § 101

Claims 42-45 and 51-54 are rejected under 35 USC § 101 because the claimed invention is allegedly not supported by a process, machine, manufacture, composition of matter, asserted utility, or a well established utility. As stated above, during the interview, the Examiner confirmed that claims 51-54 have mistakenly been rejected under 35 U.S.C. § 101, as they are not computer-readable medium claims. Also, the Office Action on page 3 state that the rejection may be overcome by adding the term "non-transitory" to claims 42-45. Claims 42-45 have been amended in this way; therefore, reconsideration and allowance of claims 42-45 are respectfully requested.

Rejection under 35 U.S.C. § 102

Claims 42, 43, 45, 51, 52 and 54 are rejected under 35 USC §102(c) as being anticipated by Roth et al. (U.S. Publication No. 2003/0167471), hereinafter referred to as Roth. Independent claim 42 has been amended to recite, among other things:

automatically display in the display screen textual and graphical indicia of additional episodic series related to the episodic series title selected by the user, wherein the additional episodic series include most viewed series

Roth does not disclose or suggest at least this feature of amended claim 42. While Roth does describe a “system and method for managing series video-on-demand (SVOD) products,” (See; Abstract of Roth) the method of Roth does not “automatically display in the display screen textual and graphical indicia of additional episodic series related to the episodic series title selected by the user, wherein the additional episodic series include most viewed series,” as claimed. Within the system of Roth, information and/or images corresponding to a selected episode can be displayed on the same page as information related to which season the episode aired (See; Figure 6 of Roth.) Even assuming, but not admitting, that the different seasons represent additional episodic series, the additional episodic series do not include most viewed series, as claimed.

For at least these reasons, Roth does not anticipate independent claim 42 and, therefore, is in condition for allowance. Claims 43 and 45 depend from independent claim 42 and are distinguishable for at least the same reasons as claim 42, and further in view of the various features recited therein. Independent claim 51 has been amended to recite similar features to those discussed above for independent claim 42; hence, Roth does not anticipate independent claim 51. Therefore, independent claim 51 is in condition for allowance for similar reasons given in support of claim 42. Claims 52 and 54 depend from independent claim 51 and are distinguishable for at least the same reasons as claim 51, and further in view of the various features recited therein.

Rejections under 35 U.S.C. § 103

Claims 1 and 46 are rejected under 35 USC §103(a) as being unpatentable over Roth, in view of Kim (U.S. Publication No. 2004/0239809), hereinafter referred to as Kim. Independent claim 1 has been amended to recite, among other things:

displaying additional windows in the substantially small portion of the display screen that include textual and graphical indicia of additional episodic series related to the episodic series displayed in the first window such that the streamed on-demand episode is still visible, wherein the additional episodic series include favorite series

Roth does not disclose or suggest at least this feature of amended claim 1. While Roth does describe a “system and method for managing series video-on-demand (SVOD) products,” (See; Abstract of Roth) the method of Roth does not display “additional windows in the substantially small portion of the display screen that include textual and graphical indicia of additional episodic series related to the episodic series displayed in the first window such that the streamed on-demand episode is still visible, wherein the additional episodic series include favorite series,” as claimed. Within the system of Roth, information and/or images corresponding to a selected episode can be displayed on the same page as information related to which season the episode aired (See; Figure 6 of Roth.) Even assuming, but not admitting, that the different seasons represent additional episodic series, the additional episodic series do not include favorite series, as claimed.

Kim does not cure the deficiencies of Roth discussed above. Therefore, independent claim 1 is in condition for allowance. Independent claim 46 has been amended to include features similar to those discussed above for claim 1. Therefore, independent claim 46 is in condition for allowance for similar reasons to those discussed above for claim 1.

Claims 3, 5-10, 12, 13-15, 16, 39 and 47 are rejected under 35 USC §103(a) as being unpatentable over Roth, in view of Kim and further in view of Ellis (U.S. Patent No. 7,493,643), hereinafter referred to as Ellis. Ellis does not cure the deficiencies of Roth and Kim, discussed above. Dependent claims 3, 5-10, 12, 13-15, 16, 39, and 47 depend from independent claim 46 and are distinguishable for at least the same reasons as claim 46, and further in view of the various features recited therein.

Claims 44 and 53 are rejected under 35 USC §103(a) as being unpatentable over Roth, in view of Ellis. Claim 44 depends from independent claim 42 discussed above and is distinguishable for at least the same reasons as claim 42, and further in view of the various features recited therein. Claim 53 depends from independent claim 51 discussed above and is distinguishable for at least the same reasons as claim 51, and further in view of the various features recited therein.

Claim 11 is rejected under 35 USC §103(a) as being unpatentable over Roth, in view of Kim, further in view of Ellis and further in view of Deweese (U.S. Publication No. 2005/0262542), hereinafter referred to as Deweese. Deweese does not cure the deficiencies of Roth, Kim, and Ellis, discussed above. Claim 11 depends from independent claim 46 and is distinguishable for at least the same reasons as claim 46, and further in view of the various features recited therein.

Claims 40 and 41 are rejected under 35 USC §103(a) as being unpatentable over Roth, in view of Kim, further in view of Ellis and further in view of Fukuda (U.S. Publication No. 2004/0068740), hereinafter referred to as Fukuda. Fukuda does not cure the deficiencies of Roth, Kim, and Ellis, discussed above. Claims 40-41 depend from independent claim 46 and are distinguishable for at least the same reasons as claim 46, and further in view of the various features recited therein.

All rejections having been addressed, Applicant respectfully submits that this application is in condition for allowance, and respectfully requests issuance of a notice of allowance.

Respectfully submitted,

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